

REMARKS

Applicant notes that a Power of Attorney by Assignee and Revocation of Previous Powers, a copy of which is enclosed herewith, was sent to the USPTO on May 31, 2002. However, the Office Action mailed November 4, 2002 was sent to David Graham, the previous attorney. Please send all future correspondence for this application to Van Pelt & Yi LLP, as indicated in the enclosed copy of Power of Attorney by Assignee and Revocation of Previous Powers.

Claims 1-3, 6, 12, 15, 21, 35-36, 40-41, 45, 50 have been amended to clarify the subject matter regarded as the invention. Claims 1-38 and 40-53 remain pending.

The Examiner has rejected claims 1-5, 8-9, 11-13, 45-49, and 53 under 35 U.S.C 103(a) as being unpatentable over Yuen in view of Doi. The Examiner has rejected claims 6-7 and 50-51 under 35 U.S.C. 103(a) as being unpatentable over Yuen in view of Doi, and further in view of Abecassis. The Examiner has rejected claims 15-31, 33, and 35 under 35 U.S.C. 103(a) as being unpatentable over Yuen in view of Horio. The Examiner has rejected claims 10, 14, and 53 under 35 U.S.C. 103(a) as being unpatentable over Yuen in view of Doi, and further in view of Cruz.

The rejection is respectfully traversed. With respect to claim 1, the claim has been amended to recite, "a control interface device for enabling a user to control operation of the recording unit, the control interface device further comprising marking means for enabling the user to specify a non-contemporaneous mark; and a system controller that causes, in response to the specification of a non-contemporaneous mark by the user, the data storage device to store marking data associating the non-contemporaneous mark with recording data obtained at a

marked time different from the marking time at which the non-contemporaneous mark was specified by the user; wherein the non-contemporaneous mark is specified by the user at a time when the recording data with which the non-contemporaneous mark is associated is neither being obtained by the recording unit nor displayed to the user.” The Office Action acknowledges that Yuen does not disclose the non-contemporaneous mark specified at a time when the recording data with which the non-contemporaneous mark is associated is neither being obtained by the recording unit nor displayed to the recorder. Doi’s scene boundary detection apparatus measures and analyzes frames (2:22-3:3), but the scene boundary marking is not specified by a user who controls the operation of the recording unit. Neither Yuen nor Choi, either individually or in combination, teach or suggest a non-contemporaneous mark specified by a user who controls the operation of the recording unit. As such, claim 1 is believed to be allowable.

Claims 2-14 depend from claim 1 and are believed to be allowable for the same reasons described above.

Method claim 45 has been amended to recite “the non-contemporaneous mark is specified by the user at a time when the recording data with which the non-contemporaneous mark is associated is neither being obtained by the recording unit nor displayed to the user.” Since neither Yuen nor Choi, either individually or in combination, teach or suggest a non-contemporaneous mark specified by a user of the recording unit. Claim 45 is therefore believed to be allowable.

Claims 46-53 depend from claim 45 and are believed to be allowable for the same reasons described above.

Claim 15 has been amended to recite “a control interface device for enabling a user to control operation of the recording unit, the control interface device further comprising marking

means for enabling the user to specify multiple types of marks; a system controller that causes, in response to the specification of a mark by the user, the data storage device to store marking data associating the specified mark with particular recording data; wherein the meaning of one of the multiple types of marks is definable by the user.” The amended claim no longer includes means for mounting one or more components of the recording unit on the person of the recorder, a limitation that was purportedly disclosed by Horio. The meanings of different types of marks as taught by Yuen, such as keywords or title information, are not definable by a user. Neither Yuen nor Horio, either separately or in combination, teach or suggest a type of mark whose meaning is definable by a user. As such, claim 15 is believed to be allowable.

Claims 16-35 depend from claim 15 and are believed to be allowable for the same reasons described above.

Claim 36 has been amended to depend from claim 15. Claims 37-38 depend from claim 36. Therefore, claims 36-38 are believed to be allowable for the same reasons described above.

Claim 40 has been amended to recite, “wherein the means for producing a mark and/or supplementing or modifying an existing mark produces, supplements or modifies based on the value of, or an analysis of, the data that may be used by a replay system to provide a non-visual, user-perceptible reproduction of a non-visual, human-perceptible occurrence that took place during the event.” Yuen does not teach or suggest a mark associated with data that may be used by a replay system to provide a non-visual, user-perceptible reproduction of a non-visual, human-perceptible occurrence that took place during the event. Claim 40 is therefore believed to be allowable.

Claim 41 has been amended to recite “the recording unit further comprises means for acquiring non-visual, human perceptible data other than recording data; and the means for

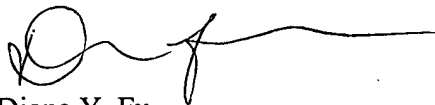
producing a mark and/or supplementing or modifying an existing mark produces, supplements or modifies based on the value of, or an analysis of, the non-visual, human perceptible data other than recording data.” Yuen does not teach or suggest means for acquiring non-visual, human perceptible data. Claim 41 is therefore believed to be allowable.

Claims 42-44 depend from claim 40. Therefore, claims 42-44 are believed to be allowable for the same reasons described above.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment with additions underlined and deletions struck through. The attached page is captioned “Version with markings to show changes made.”

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Diana Y. Fu', with a long horizontal flourish extending to the right.

Diana Y. Fu
Registration No. P52,924
V 408-973-2593
F 408-973-2595

VAN PELT AND YI, LLP
10050 N. Foothill Blvd., Suite 200
Cupertino, CA 95014

VERSION WITH MARKINGS TO SHOW CHANGES MADE

AMENDMENTS TO THE CLAIMS

1. (Twice Amended) A recording unit for recording an event, comprising:
 - a data acquisition device for obtaining recording data representing the content of the event;
 - a data storage device for storing data, including recording data;
 - a control interface device for enabling a [recorder] user to control operation of the recording unit, the control interface device further comprising marking means for enabling the [recorder] user to specify a non-contemporaneous mark; and
 - a system controller that causes, in response to the specification of a non-contemporaneous mark by the [recorder] user, the data storage device to store marking data associating the non-contemporaneous mark with recording data obtained at a marked time different from the marking time at which the non-contemporaneous mark was specified by the [recorder] user;
 - wherein the non-contemporaneous mark is specified by the user at a time when the recording data with which the non-contemporaneous mark is associated is neither being obtained by the recording unit nor displayed to the [recorder] user.
2. (Once Amended) A recording unit as in Claim 1, wherein the marking means is adapted to enable specification of a retrospective mark that is associated with recording data obtained at a marked time prior to the marking time at which the retrospective mark was specified by the [recorder] user.
3. (Once Amended) A recording unit as in Claim 1, wherein the marking means is adapted to enable specification of a predictive mark that is associated with recording data obtained at a marked time subsequent to the marking time at which the predictive mark was specified by the [recorder] user.
6. (Once Amended) A recording unit as in Claim 1, wherein the marking data further defines a confidence level that represents the certainty of the [recorder] user that the marked recording data is the recording data that the recorder desires to mark.
12. (Once Amended) A recording unit as in Claim 11, further comprising means for mounting one or more components of the recording unit on the body of the [recorder] user.
15. (Twice Amended) A portable recording unit for recording an event, comprising:

a data acquisition device for obtaining recording data representing the content of the event;

a data storage device for storing data, including recording data;

a control interface device for enabling a [recorder] user to control operation of the recording unit, the control interface device further comprising marking means for enabling the [recorder] user to specify multiple types of marks;

a system controller that causes, in response to the specification of a mark by the [recorder] user, the data storage device to store marking data associating the specified mark with particular recording data; [and

means for mounting one or more components of the recording unit on the person of the recorder.] wherein

the meaning of one of the multiple types of marks is definable by the user.

21. (Once Amended) A portable recording unit as in Claim 15, wherein the multiple types of marks include one or more marks indicating the [recorder] user's state of mind.

35. (Once Amended) A portable recording unit as in Claim 15, wherein the system controller causes, in response to the specification of a mark by the [recorder] user, operation of the recording unit in a predetermined manner in accordance with the type of the mark.

36. (Twice Amended) A recording unit for recording an event [, comprising:

a data acquisition device for obtaining recording data representing the content of the event;

a data storage device for storing data, including recording data;

a control interface device for enabling a recorder to control operation of the recording unit, the control interface device further comprising marking means for enabling the recorder to specify a mark; and

a system controller that causes, in response to the specification of a mark by the recorder, the data storage device to store marking data associating the specified mark with particular recording data, and operation of the recording unit in a predetermined manner in accordance with the type of the mark;] as recited in Claim 15,

wherein at least one mark indicates a level of importance or interest of the content which the marked recording data represents.

40. (Twice Amended) A recording unit for recording an event, comprising:

a data acquisition device for obtaining recording data representing the content of the event, the recording data comprising data that may be used by a replay system to

provide a user-perceptible reproduction of some human-perceptible occurrence that took place during the event;

a data storage device for storing data, including recording data;

a control interface device for enabling a [recorder] user to control operation of the recording unit;

means for producing a mark, wherein the means for producing a mark further comprises means for producing a mark and/or supplementing or modifying an existing mark based on the value of, or an analysis of, data acquired by the recording unit; and

a system controller that causes, in response to the specification of a mark by the [recorder] user, the data storage device to store marking data associating each mark with particular recording data;

wherein the means for producing a mark and/or supplementing or modifying an existing mark produces, supplements or modifies based on the value of, or an analysis of, the data that may be used by a replay system to provide a non-visual, user-perceptible reproduction of [some] a non-visual, human-perceptible occurrence that took place during the event.

41. (Twice Amended) A recording unit for recording an event, comprising:

a data acquisition device for obtaining recording data representing the content of the event;

a data storage device for storing data, including recording data;

a control interface device for enabling a [recorder] user to control operation of the recording unit;

means for producing a mark, wherein the means for producing a mark further comprises means for producing a mark and/or supplementing or modifying an existing mark based on the value of, or an analysis of, data acquired by the recording unit; and

a system controller that causes, in response to the specification of a mark by the [recorder] user, the data storage device to store marking data associating each mark with particular recording data;

wherein:

the recording unit further comprises means for acquiring non-visual, human perceptible data other than recording data; and

the means for producing a mark and/or supplementing or modifying an existing mark produces, supplements or modifies based on the value of, or an analysis of, the non-visual, human perceptible data other than recording data.

45. (Twice Amended) For use in a recording unit being used by a [recorder] user to record an event, a method for non-contemporaneously marking recording data obtained by the recording unit, comprising the steps of:

identifying the specification of a non-contemporaneous mark; and

in response to an identification of the specification of a non-contemporaneous mark, storing marking data associating the non-contemporaneous mark with recording data obtained at a marked time different from the marking time at which the non-contemporaneous mark was specified;

wherein the non-contemporaneous mark is specified by the user at a time when the recording data with which the non-contemporaneous mark is associated is neither being obtained by the recording unit nor displayed to the [recorder] user.

50. (Once Amended) A method as in Claim 45, wherein the marking data further defines a confidence level that represents the certainty of the [recorder] user that the marked recording data is the recording data that the recorder desires to mark.